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ABSTRACT

This paper discusses court cases that are a legal basis for screening programs for teacher education. The Supreme Court case of Adler v. Board of Education established that the states do have the power to set up requirements or rules concerning the quality of moral character in applicants for teaching certificates. Vogulkin v. State Board of Education defines the reason for denying a teaching license. Subjective evaluation elements in addition to academic scholarship may be required for teacher certificates as in the case of People, el rel Odel v. Glaningam. Other state cases are also briefly discussed that uphold the denial of certification on the basis of lack of good moral character. In conclusion, the requirement of subjective evaluation and screening of teacher education students and teacher certification has a legal status as well as a professional one. However, due process is a vital aspect in screening candidates. (PD)

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SCREENING FOR TEACHER EDUCATION AND CERTIFICATION: A BRIEF

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Throughout the nation, the screening of students in Teacher Education programs and teacher certification applicants is required. Professional organizations, accrediting agencies, and certification agencies require screening of prospective teachers. Higher education institutions and certification agencies are generally the responsible agencies for screening. The status of these two frequently is under attack from various groups.

Virtually every state has a requirement for screening applicants for certification. Most state certification agencies rely upon teacher education institutions for most of the screening.

What is the legal basis for having a screening program for teacher education?

The first question is whether the state has the power to establish requirements or rules concerning the quality of moral character in applicants for teaching certificates. The principle is apparently well established that the states do have this power. In the U. S. Supreme Court case of Adler v. Board of Education 342 U.S.485 (1952) it was stated as follows:

> That the school authorities have the right and the duty to screen the officials, teachers, employees as to thei~ fitness to maintain the integrity of the schools as a part of ordered society, cannot be doubted.

SP 008 517
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In yet another case, the reason for denying a teaching license was defined.

In the case of Vogulkin v. State Board of Education 15 Cal. Rptr. 334 (Cal. App. 1961) an action was had to enjoin enforcement of a statute in California which provided that the State Board of Education should deny the issuance of a life diploma for teaching to any applicant who it had been determined was a sexual psychopath or committed sexual crimes defined in other state statutes which included seduction, procurement or abduction of a female for prostitution, incest, sodomy, lewd acts against children, sexual perversion, loitering around or annoying school children, rape, lewd vagrancy, and indecent exposure. The court found nothing unreasonable or arbitrary in the classification created by the statute and declared that the innocent minds of school children necessitate that school authorities have not only the right to carefully screen applicants for credentials but should be given a rule or basis for saying that a particular person is unworthy to have contact with or teach children, and pointed out that

> certain areas of human activity, if participated in, may be such that no further right should exist in the person to be a member of teaching profession whereas others may be of such nature the person so acting may be rehabilitated and no longer a menace to their contact with school children.

Subjective evaluation elements in addition to academic scholarship may be required for teacher certificates.

/In/the case of People, el rel Odell v. Flaningam 179 N.E.823 (Ill.1932) which declared constitutional a statute requiring applicants for school supervision certificates to possess, in the judgement of the state superintendent of public instruction, personality and general qualifications other than scholarship. Pursuant to which the court held that the state examining board had the power to deny a license to a person who could not prove good moral character.

Good moral character is frequently found in state statutes pertaining to the certification of teachers. In most states, the law prescribes the certification applicants present evidence of good moral character. In several court cases, rulings have upheld the denial of certification on a subjective basis; a lack of good moral character.

As mentioned in the California case above, a person committing sexual offenses can certainly be considered to be a person not possessing "good moral character." In the case of Bay v. State Board of Education 378 P.2nd 558 (Or.1963) the court held that a teaching applicant had not furnished satisfactory and necessary evidence of good character, under a statute authorizing the superintendent to require such evidence, where it was proved that the applicant had been previously convicted in another state of grand larceny and other related offenses. It has generally been held that the school authorities having the power under the statute, have a wide discretion in determining the issue so long as that

discretion is not abused or the decision made is not arbitrary and unreasonable. In the case of Crawford v. Lewis 186 S.W.492 (Ky.1919) the petitioner sought a teaching certificate which was denied on grounds that his moral character precluded such issuance, even though the applicant had made sufficient grades on a required written examination, where the officials had been informed that three and one-half years previously the applicant had established illicit relations with a girl pupil of fifteen or sixteen years of age, resulting in her pregnancy and birth of a child, that the applicant then left the state, and did not return until the indictment against him had been dismissed through the efforts of his father. The court held that whether or not the charges were dismissed the Board had a right to hear evidence on the matter and if the Board found that the person indulged in licentiousness conduct, then the Board had the discretion to deny the license to the applicant, even in the absence of any conviction.

In the state of Missouri, the statutes are prescriptive in describing responsibilities for teacher certification and screening for subjective criteria.

Section 168.021 RSMo describes the entities which may grant certificates of license to teach in the public schools of the state of Missouri. Section 168.021(2) RSMo states that Missouri state colleges /and universities/ may issue a life teaching certificate bearing the signature of Commissioner of Education to those receiving the degree of Bachelor of Science in Education. Section 168.031

RSMo sets out requirements for licensing and partially provides as follows:

> No persons shall receive or hold any certificate who does not present evidence of good moral character . . .

Seccion 168.081 RSMo prescribes a misdemeanor status and a penalty for the issuance of a certificate to an applicant who does not meet the requirements as set forth by law.

Therefore, it should be clear that the requirement of subjective evaluation and screening of teacher education students and teacher certification has a legal status in our society as well as a professional one. However, due process is a vital aspect in screening candidates.

The Attorney General of the state of Missouri ruled in November, 1972, that teacher education students who do not present evidence of good moral character cculd be denied a teaching certificate.